

Security Information

OGC Has Reviewed

16 October 1953

MEMORANDUM FOR: COA-DD/P

SUBJECT : Movement of Privately-Owned Vehicles - [REDACTED] 5X1A2d1

REFERENCE : (a) Memo for DD/P, Subject, "Clarification of Administrative Plan for Project [REDACTED] 25X1A2d1 dated 25 June 1953

(b) Memo for COA-DD/P, Subject, "Movement of Privately-Owned Vehicles - [REDACTED], dated 25 September, 1953 (attached)

1. Reference (a) provides that "Since the (privately-owned) vehicles are operated for quasi-official purposes, the payment of their transportation costs in the past as well as in the future is justified for so long as the operating division indicates the quasi-official use continues, and especially since there is no public transportation on the island." It was authorized by the Acting DD/A with a stipulation that the following condition defined by the General Counsel must be adhered to: "The specific operational need for official use of cars must be set forth in writing prior to authorization of transportation of cars at Government expense."

2. The division has now requested your concurrence in treating "the vehicles transported to [REDACTED] prior to implementation of reference (a) as a group," and authorizing "the return transportation of these vehicles if the owner so desires." You possess the necessary authority under the Administrative Plan provided the condition imposed by the General Counsel can be met. We think that it can.

3. The purpose of the limitation is primarily to assure specific consideration of each case prior to the authorization of initial transportation of cars from the United States to the area under the new cover. The division has indicated that such consideration is now the established procedure. With regard to cars transported from the U. S. at Government expense prior to the change in cover, implicit recognition of a quasi-official use of these cars in the past can now be established by authorization of return transportation for the whole group, provided the facts otherwise warrant such recognition. In the absence of clear proof that the use of any car in this group was wholly personal, it would seem unnecessary to require consideration of each case prior to approval of return transportation. It would be both unrealistic and inequitable to recognize a quasi-official use at the time of shipment out and repudiate it when the time

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came to ship it back. However, since the initial recognition is only by implication, any approval extended to the group should now define the quasi-official use as the justification.

4. For the reasons stated, we find no contradiction to the condition defined by the General Counsel and there is no legal objection to taking the action requested by the division.

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Assistant General Counsel

OGC/CWP:blr

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